

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

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| <b>MARC E. OLIVER, d/b/a GULF COAST ENVIRONMENTAL AND RECOVERY, and T.M. JEMISON CONSTRUCTION CO. INC. d/b/a JEMISON MARINE, INC.,</b><br>Plaintiffs,   | : | <b>CA 11-0223-KD-C</b>                               |
| <b>MIDSOUTH BANK, N.A.,</b><br>Plaintiff/Counter-Defendant  | : | <b>IN ADMIRALTY</b><br><i>In Personam and In Rem</i> |
| vs.   | : |  |
| <b>M/V BARBARY COAST, her engines, tackle, furniture, and appurtenances, etc., In Rem, and RODD CAIRNS, an individual, and ATCHAFALAYA MARINE, LLC, In personam,</b><br>Defendants/Counter-Plaintiffs/<br>Third-Party Plaintiffs, | : |  |
| vs.   | : |  |
| <b>EAGLE RIVER TOWING, L.L.C., p/k/a or a/k/a EAGLE INLAND TOWING, NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA, LOUISIANA LIMESTONE &amp; LOGISTICS, L.L.C., and CURTIS BUFORD,</b><br>Third-Party Defendants.        | : |  |

**ORDER**

This matter is before the Court on a “Motion to Dismiss Claims With Prejudice” filed by Plaintiff Marc E. Oliver d/b/a Gulf Coast Environmental and Recovery, LLC, and filed with consent of all the parties. (Doc. 243).

As grounds, Plaintiff Marc E. Oliver d/b/a Gulf Coast Environmental and Recovery, LLC asserts that his claims against *In Rem* Defendant M/V BARBARY COAST have been resolved

such that dismissal with prejudice of same is proper with each party to bear his or its own costs and attorneys' fees. (Id.) Additionally, in so doing, Plaintiff "makes no further claims against the monies currently held by the Clerk of Court, from the sale of the vessel." (Id.)

The motion is construed as Rule 41(a)(2) voluntary motion to dismiss "at the plaintiff's request only by court order, on terms that the court considers proper[]," given that the motion is not signed by all parties to this case, is not a joint stipulation, and the opposing parties have already served answers.

Upon consideration, it is **ORDERED** that the "Motion to Dismiss Claims With Prejudice" filed by Plaintiff Marc E. Oliver d/b/a Gulf Coast Environmental and Recovery, LLC (Doc. 243) is **GRANTED** such that Plaintiff Marc E. Oliver d/b/a Gulf Coast Environmental and Recovery, LLC's claims against *In Rem* Defendant M/V BARBARY COAST are **DISMISSED with prejudice** with each party to bear his or its own costs and attorney's fees, and Plaintiff Marc E. Oliver d/b/a Gulf Coast Environmental and Recovery, LLC no longer asserts any claims against the monies currently held by the Clerk of Court from the sale of the vessel.

**DONE and ORDERED** this the 6<sup>th</sup> day of **July 2012**.

/s/ Kristi K. DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**